



**Islamic Republic Of Afghanistan  
Kabul Municipality**



**LAND USE POLICY**  
**DEPARTMENT OF URBAN PLANNING**

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# Islamic Republic Of Afghanistan Kabul Municipality



## LAND USE POLICY

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# Islamic Republic Of Afghanistan

## Kabul Municipality



### 1.0 Introduction

Kabul, with a population estimated to be about 3 million people in 2005 has grown over the last 10 years at an exceptionally fast pace. The city has grown mostly through the construction of informal settlements, which now shelter around 80% of the Kabul population. More specifically, the problems in Kabul are the following:

- 1) Kabul main problem is not housing but infrastructure and access to legally subdivided land;
- 2) The current informal housing stock, providing adequate shelter to 80% of the population is here to stay and should be provided with regular tenure, infrastructure and community facilities;
- 3) Housing types and standards should reflect market demand. The traditional courtyard house design reflects demand and is efficient in terms of land use and subsequent incremental growth. Zoning and regulations should allow the extensive construction of courtyard houses.
- 4) The existing residential plots can accommodate an additional population of about 300,000 people by building additional rooms, undeveloped areas immediately adjacent to the existing built-up areas can accommodate an additional 1,000,000 people. There is no need at this moment to envisage the construction of new towns.
- 5) A network of secondary roads improving access to the existing informal network of streets should be built within existing settlements requiring only the widening of a few streets and minimal demolition and relocations.
- 6) Green open space, easily accessible to the majority of Kabul population can best be provided through linear parks along Kabul's river, rather than on inaccessible rocky steep hillsides.
- 7) The government should concentrate its limited resources in providing basic infrastructure and community services to the existing population and in providing an orderly legal framework for the development of new land to accommodate population growth;

### 2.0 Purpose and Objectives

Land use planning means managing our land and resources. It helps each community to set goals about how it will grow and develop and to work out ways of reaching those goals while keeping important social, economic and environmental concerns in mind. It balances the interests of individual property owners with the wider interests and objectives of the whole community.

Good planning leads to orderly growth and the efficient provision of services. It touches all of us and helps us to have the kind of community we want.

To be effective and efficient, public policy and supporting governance should be directed at achieving a clear objective. This objective can be enhanced social, environmental or economic outcomes – either separately or in concert – from the use of land resources. These outcomes reflect the different values that society places on land use. To avoid such difficulties, a key land use policy objective could be to allocate land between competing uses in a way that maximizes the total value created for the community.



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The objectives of land use planning for Kabul City are the following:

- Providing for the fair, orderly, economic and sustainable use and development of land;
- Protecting natural resources, maintaining the ecological processes, and providing for clear open green spaces;
- Securing safe and livable urban environment;
- Conserving and enhancing culturally or socially significant buildings or areas of Kabul City;
- Protecting and enabling the provision of public utilities;
- Facilitating the future residential, industrial and commercial development of greater Kabul City; and
- Balancing the present and future interests of all citizens of Kabul.

These objectives explicitly recognize particular land use values and that these may, in some cases, conflict. The challenge for land use policy is to establish a framework for making these tradeoffs by planning the use, development and protection of land in Kabul in the present and long term interests of all residents in Kabul.

### 3.0 Definitions

**3.1 Access Management Plan:** A set of policies and standards that manage the number and location of access points (driveways) on the public road system.

**3.2 Accessory Structure:** A detached subordinate structure or building located on the same lot as an incidental to the principal structure.

**3.3 Adaptive Reuse:** The rehabilitation and utilization of existing (typically historical) structures for a different use than the structure was originally built to accommodate.

**3.4 Administrative Decision-** Decision on a Land Use Review made by staff or at the administrative level.

**3.5 Agriculture:** Includes farming; ranching; aquaculture; apiculture and related apicultural activities, production of honey, beeswax, honeycomb, and other related products; horticulture; viticulture, winemaking, and related activities; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; and any additions or modifications to the foregoing made by the director of agriculture.

**3.6 Agri-tourism:** Refers to the act of visiting a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation.



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**3.7 Allowed Use-** A use that is allowed outright in a particular zone without any special review. Any proposed development must meet the development standards of the zone.

**3.8 Balanced Growth:** A policy approach to community development seeking to coordinate expansion with infrastructure development, environmental concerns, and services.

**3.9 Buffering:** The use of landscaping or retained native vegetation or the use of landscaping along with berms, walls, or decorative fences that at least partially and periodically obstruct the view from the street or an abutting property in such a manner that vehicular use areas, parking lots, parked cars, detention ponds, and conflicting activity areas will be partially or completely screened.

**3.10 Bylaw:** A rule or regulation governing the internal affairs of a municipal entity, such as the planning commission.

**3.11 Community Character:** The set of qualities that makes a place distinctive, interesting, and attractive.

**3.12 Community Indicators:** Community indicators are known by different names in the many distinct fields that use them. “Social indicators” and “quality-of-life indicators” are frequently used synonymously with the term “community indicators,” and delving into specific subjects uncovers many more. There are community indicators specific to demography, economy, education, environment, health, and public safety, for example.

**3.13 Comprehensive Plan:** Regional, state, or local documents that describe community visions for future growth. Comprehensive plans describe general plans and policies for how communities will grow and the tools that are used to guide land use decisions and give general, long-range recommendations for community growth. Typical elements include land use, housing, transportation, environment, economic development, and community facilities.

**3.14 Conditional Use:** A land use, construction activity, or structural development, which must be tailored to the site conditions and adjacent property uses through a public and technical review process, that is listed as a conditional use in a zoning district.

**3.15 Conditional Zoning:** Special conditions an owner must meet in order to qualify for a change in a zoning district designation.

**3.16 Economically Viable Use:** A use of land that provides an economic return.

**3.17 Future Land Use Plan:** A plan that guides physical development such as the location of different land uses, open space, circulation, and other important features of a community.

**3.18 Home-based Business:** Any business or commercial activity that is conducted, or proposed to be conducted, from property that is zoned for residential use and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

**3.19 Infill:** Development or redevelopment of land that has been bypassed, remained vacant, and/or is underused as a result of the continuing urban development process. Generally, the areas and/or sites are not particularly of prime quality, however they are usually served by or are



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readily accessible to the infrastructure services and facilities provided by the applicable local governmental entity. Use of such lands for new housing and/or other urban development is considered a more desirable alternative than to continue to extend the outer development pattern laterally and horizontally thus necessitating a higher expenditure for capital improvements than would be required for infill development. The use of infill development, among others, promotes the best use of resources and also will tend to have a positive impact upon the tax and other fiscal policies.

**3.20 Land Banking:** The purchase of land by a local government for use or resale at a later date.

**3.21 Land Divisions-** Land Use Reviews which create new plats, dividing larger parcels of land into two or more new parcels. Approval of a Land Division consists of two phases of review, Preliminary Plan and Final Plat. The type of land use review process that is used (Type I, II x or III) depends on a number of factors, including what zone the site is located in, how many dwelling units are proposed, whether there are special characteristics to the site such as a Potential Landslide Hazard of Flood Hazard, whether other concurrent land use reviews are requested or whether a phased development plan is proposed.

**3.22 Land Suitability:** The determination of appropriateness for the development of a piece of property.

**3.23 Land Use:** How a certain area of land is utilized.

**3.23 Legislative-** Legislative actions involve the adoption of law or policy applicable citywide or to a broad geographical area of the city.

**3.24 Lot Confirmation-** An administrative process that confirms existence of a property line that separates two or more previously platted lots. Certain standards apply to determine that there is no obstruction to access or services.

**3.25 Lot Segregation-** An administrative process that re-establishes a property line that separates two or more previously platted lots. Certain standards apply, to determine that there is no obstruction to access or services, but this is not a land use review.

**3.26 Master Plan:** A comprehensive long-range plan intended to guide growth and development of a community or region and one that includes analysis, recommendation, and proposals for the community's population, economy, housing, transportation, community facilities, and land use.

**3.27 Mixed Use Development:** Development that is created in response to patterns of separate uses that are typical in suburban areas necessitating reliance on cars. Mixed use developments include residential, commercial, and business accommodations in one area.

**3.28 Neighborhood Enterprise Zone:** A locally-initiated zone program that provides tax incentives for housing development and improvement. Qualified local units of government may designate one or more areas as Neighborhood Enterprise Zones (NEZs) for the purpose of extending property tax abatements for residential construction and rehabilitation.

**3.29 New Urbanist/New Urbanism:** The process of reintegrating the components of modern life—housing, workplace, shopping, and recreation—into compact, pedestrian-friendly, mixed-



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use neighborhoods linked by transit and set in a larger regional open space framework. Initially dubbed “neotraditional planning,” the principles that define new urbanism can be applied successfully to infill and redevelopment sites within existing urbanized areas.

**3.30 Nonconforming Structure:** Any building that does not meet the zoning ordinance limitations on building size or location on a lot for its use and district. (Land-Use Lingo: A glossary of land-use terms, Wisconsin

**3.31 Nonconforming Lot:** A use or activity which lawfully existed prior to the adoption, revision, or amendment of an ordinance but that fails to conform to the current ordinance. (Land-Use Lingo:

**3.32 Nonconforming Use:** A use (or structure) that lawfully existed prior to the adoption or amendment of an ordinance but that fails to conform to the standards of the current zoning ordinance.

**3.33 Non-Use Variance** (also known as a “dimensional variance”): A variance to the dimensional requirements in the zoning ordinance, such as minimum yard setback distances, building heights, required number of parking spaces, etc.

**3.34 Open Space:** A substantially undeveloped area, usually including environmental features such as water areas or recreational facilities.

**3.35 Open Space Development:** An alternative site planning technique that concentrates dwelling units in a compact area to reserve undeveloped space elsewhere on the site.

**3.36 Ordinance:** A statute enacted by a governmental body.

**3.37 Outreach:** A service that includes involvement in activities designed to educate participants and assist those seeking information on a topic, such as growth and development, strategic planning, environmental protection, community participation, and others.

**3.38 Overlay District or Zone:** A zoning technique that allows for superimposing certain additional requirements upon a basic use zoning district without disturbing the requirements of the basic use district.

**3.39 Pedestrian Oriented Development:** Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site.

**3.40 Planned Unit Development (PUD):** A tract of land developed as a unit under single ownership or unified control, which includes one or more principal buildings or uses, and is processed under the Planned Unit Development provisions of the ordinance. Also, a parcel of





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land planned as a single unit, rather than as an aggregate of individual lots, with design flexibility from traditional siting regulations (such as side yards setbacks, and height limitations) or land use restrictions (such as prohibitions against mixing land uses within a development). The greater flexibility in locating buildings and in combining various land uses often makes it possible to achieve certain economics in construction as well as the preservation of open space and the inclusions of many amenities.

**3.41 Residential Development:** Areas that provide homes for local residents. Residential development can be categorized differently depending on the number of families per building, density, property rights, price, and architectural style.

**3.42 Single Family:** Land use characterized by lots containing individual residential homes surrounded by yards.

**3.43 Site Plan Review:** Establishes criteria for the layout, scale, appearance, safety, and environmental impacts of multiple family, commercial, or industrial development. Site plan review usually focuses on zoning restrictions, parking, traffic, drainage, roadway construction, signs, utilities, screening, lighting, and other aspects of the proposal to arrive at the best possible design for the location.

**3.44 Site Plan:** A scaled plan showing proposed uses and structures for a parcel of land, including such details necessary to illustrate the final proposed use and development. A site plan includes elements such as the location of lot lines, the layout of buildings, open space, parking areas, landscape features, and utility lines.

**3.45 Special Land Use:** Specified land uses that may be appropriate in a particular land use district but may have characteristics that could affect surrounding properties.

**3.46 Spot Zoning:** A change in the zoning code or area maps that is applicable to no more than a few parcels and results in zoning that is markedly different from the surrounding established zoning pattern. Spot zoning is generally regarded as undesirable or illegal because it violates equal treatment and sound planning principles.

**3.47 Sprawl:** A low-density land use pattern that is automobile dependent, energy and land consumptive, and requires a very high ratio of road surface to development served.

**3.48 Standards, General:** Criterion applied to all special land uses before a permit can be granted.

**3.49 Standards, Specific:** Criterion applied to individual special land uses before a permit can be granted.

**3.50 Sustainable Development:** Development that maintains or enhances economic opportunity and community wellbeing while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

**3.51 Transfer of Development Rights:** Provides for a market transfer of development rights between landowners and developers. These rights are transferred away from areas designated for





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preservation, such as agricultural and forestry lands, towards areas deemed appropriate for development.

**3.52 Unnecessary Hardship:** A unique and extreme inability to use a property in conformance with the use requirements in the zoning district. Generally, it must be shown that the property cannot be reasonably used as one of the uses permitted in the district and that a variance to the allowed uses is the only means of relief.

**3.53 Use By Right:** A use permitted in a particular zone without any special hearing or review procedure, provided minimum lot size, height, setback, bulk, parking and accessory use requirements are met. A single family home in a low density residential district is typically a use permitted by right.

**3.54 Use Variance:** A variance to permit a land use that is otherwise prohibited within the zoning ordinance.

**3.55 Utilities:** Any structures or facilities used for production, generation, transmission, delivery, collection, or storage of water, sewage, stormwater, electricity, gas, or electronic signals.

**3.56 Variance:** A relaxation of dimensional or use standards by a local zoning board in compliance with statutory criteria.

**3.57 Zoning Districts:** Discrete areas within a community designated to permit specific land uses, such as single family residential, commercial, industrial, etc. and to provide requirements specific to development within the district. They are depicted on a zoning map.

**3.58 Zoning Ordinance:** A legal document adopted by the legislative body, including a map that describes the uses of land in different districts in a community, and the regulations pertaining to buildings and uses within those districts.

**3.59 Zoning:** Classification of land in a community into different areas and districts, generally to separate land uses into appropriate locations. Zoning is a legislative process that regulates building dimensions, density, design, placement and use within each zoning district. (Adapted from Smart Growth Gateway)

### 4.0 Scope:

This policy applies to the Department of Urban Planning and all other departments involved in the city planning in Kabul City.

### 5.0 Guidance

The policies listed below are generally applicable and intended for the entire Kabul City Urban Planning existing in rights-of-way, private and public properties, streets, land use, etc.

#### 5.01 Responsibilities:

**5.01.01.** The Urban Planning department shall develop a zoning and land use plan.



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**5.01.02.** The land use plan shall provide guidance for the future development of neighborhoods in Kabul City. This land use plan should allocate appropriate residential, commercial, agricultural and industrial land's for citizen services.

**5.01.03.** The land use plan adopted by the Kabul Municipality shall be sustainable in nature. Taking into account, sustainable land use patterns, green technology and the protection of natural resources.

**5.01.04.** It is the policy of the Kabul Municipality to maintain an ongoing resident involvement program in relation to Land Use Planning. The KM shall encourage media coverage of land use activities; providing ample public notification of public meetings and hearings, allowing residents adequate time to respond to new proposals.

**5.01.05.** Though the development of a five year Capital Improvement Plan (CIP) the Kabul Municipality and Urban Planning department shall be able to set the land use patterns for the next 5-10 years. The Land Use Planning phase of the CIP shall incorporate all activities being implemented by both the KM and the donor community. This plan shall focus on the sustainable development of green open spaces as part of the land use plan.

**5.01.06.** Develop land use policies that take advantage of opportunities to create new residential or mixed-use communities that promote a good mix of housing type prices and sizes.

**5.01.07.** It is the responsibility of the Urban Planning department to determine whether or not certain decisions need to be made to set urban growth control. For example, the following tools could be used to control growth in Kabul City.

- **Setting of urban growth boundary (UGB)**-Making a city area compact has become a primary urban policy worldwide. By keeping the urbanized area compact, the efficiency of infrastructure investment will be increased, while everyday energy consumption by citizens will be reduced. In order to keep the urbanized area compact, it is propose to introduce the urban growth boundary (UGB).
- **Protection of mountains and hillside slopes**- Hills and mountains are major parts of the city's identity. Thus, protection of the landscape of these parts is an important public interest. At the same time, it is their own interest for the people living on hillsides, as they are exposed to the safety risks by such as landslides and earthquakes damages.
- **Preservation of agricultural land**-In Kabul City, irrigated farmlands have been well preserved despite the very high urbanization pressure. On the other hand, rain-fed agricultural fields have been constantly threatened by pressure for land use conversion.



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### **6.0 Policy Evaluation**

This policy should be regularly evaluated to ensure it is enabling and effectively moving Kabul Municipality towards its goals of being a safe and secure city that benefits all members of the community.

### **7.0 Policy Enforcement**

The contents of this policy are enforceable after His Excellency the Mayor's approval.